

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1173 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 10-12-4-4 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **(a) Except as**  
5       **provided in subsection (b),** an employee beneficiary shall contribute  
6       to the trust fund, by monthly deduction, six percent (6%) of the  
7       employee beneficiary's wages (excluding payments for overtime and  
8       determined without regard to any salary reduction agreement  
9       established under Section 125 of the Internal Revenue Code).  
10       **(b) This subsection applies to an employee beneficiary appointed**  
11       **as the superintendent of the department under IC 10-11-2-6 after**  
12       **June 30, 2007. While an employee beneficiary serves as the**  
13       **superintendent of the department, the employee beneficiary shall**  
14       **contribute to the trust fund, by monthly deduction, six percent**  
15       **(6%) of the maximum wages paid for the highest rank the**  
16       **employee beneficiary attained before being appointed**  
17       **superintendent (excluding payments for overtime and determined**  
18       **without regard to any salary reduction agreement established**  
19       **under Section 125 of the Internal Revenue Code).**  
20       SECTION 2. IC 10-12-4-7 IS AMENDED TO READ AS  
21       FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Benefits provided  
22       under this section are subject to IC 10-12-2-3.  
23       (b) Except as provided in subsection (c) **or (f),** the basic monthly  
24       pension amount of an employee beneficiary may not exceed one-half

(1/2) of the employee beneficiary's average monthly wage (excluding payments for overtime and determined without regard to any salary reduction agreement established under Section 125 of the Internal Revenue Code) received during the highest paid consecutive thirty-six (36) months before retirement.

(c) For an employee beneficiary who retires after June 30, 1987, and before July 1, 1988, the basic monthly pension may not exceed the lesser of:

(1) the pension under subsection (b); or

(2) one-half (1/2) the maximum salary of a first sergeant.

(d) For an employee beneficiary who retires after June 30, 1988, and before July 1, 1989, the basic monthly pension may not exceed the lesser of:

(1) the pension under subsection (b); or

(2) one-half (1/2) the maximum salary of a captain.

(e) An employee beneficiary in the active service of the department who has completed twenty-five (25) years of service after July 1, 1937, and who continues after July 1, 1937, in the service of the department is entitled to add to the basic monthly pension amount, at retirement, the following:

(1) Five percent (5%) of the basic amount for each of the next three (3) full years over twenty-five (25) years.

(2) Six percent (6%) of the basic amount for each of the next two (2) full years over twenty-eight (28) years.

(3) Seven percent (7%) of the basic amount for each of the next two (2) full years over thirty (30) years.

(4) Eight percent (8%) of the basic amount for each of the next two (2) full years over thirty-two (32) years.

However, the total of these additional amounts may not exceed seventy percent (70%) of the basic pension amount. These additional benefits are subject to any compulsory retirement age provided by the pension trust.

**(f) This subsection applies to an employee beneficiary appointed as the superintendent of the department under IC 10-11-2-6 after June 30, 2007. The determination of the average monthly wage used to compute an employee beneficiary's basic monthly pension amount under subsection (b) includes the maximum wages paid for the highest rank the employee beneficiary attained before being appointed superintendent of the department, if, while serving as the superintendent, the employee beneficiary made contributions to the trust fund based on that amount. The determination may not include wages received as the superintendent."**

Page 1, line 3, after "(a)" insert "This section applies only to an employee beneficiary who:

**(1) receives a basic monthly pension amount that is less than fifty percent (50%) of the maximum basic monthly pension**

amount payable to a retired state police employee in the grade of trooper having completed twenty-five (25) years of active service, as calculated under section 7 of this chapter; and (2) is at least sixty (60) years of age.

(b)".

Page 1, line 5, after "who" insert "is".

Page 1, line 5, delete "was".

Page 1, line 5, delete "after June 30,".

Page 1, line 6, delete "1987, and before July 2, 2005,".

Page 1, line 6, delete "the lesser of:" and insert "**an amount equal to fifty percent (50%) of the difference between:**".

Page 1, line 7, delete "one percent (1%) of".

Page 1, line 9, delete "or" and insert "**and**".

Page 1, line 10, delete "one percent (1%) of".

Page 1, line 12, delete "trooper," and insert "**trooper having completed twenty-five (25) years of active service,**".

Page 1, delete lines 13 through 17, begin a new paragraph and insert:

"SECTION 4. IC 10-12-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. **Except as provided in section 9 of this chapter**, to become eligible for any supplemental benefits provided in this chapter, an employee of the department must:

(1) be at least fifty-five (55) years of age;

(2) have completed at least twenty (20) years of service with the department or be retired by virtue of becoming fifty-five (55) years of age; and

(3) be eligible to receive retirement benefits under IC 10-12-3.".

Page 3, after line 32, begin a new paragraph and insert:

"SECTION 8. IC 10-12-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) **In addition to any other increase to the pension benefit provided under this chapter, the monthly pension amount (plus postretirement increases) payable after June 30, 2007, to an employee beneficiary of the state police pre-1987 benefit system who was retired or disabled having completed less than twenty (20) years of active service and is entitled to receive a benefit on June 1, 2007, shall be increased by an amount equal to the product of:**

(1) five dollars (\$5); multiplied by

(2) subject to subsection (b), the number of years that have elapsed from the date the employee beneficiary retired from the department through July 1, 2007.

(b) Partial years may not be used to compute the amount of the increase under subsection (a)(2).

(c) The increases specified in this section:

(1) shall be based on the date of the employee beneficiary's latest retirement or disability;

- 1           **(2) do not apply to benefits payable in a lump sum; and**
- 2           **(3) are in addition to any other increase provided by law."**
- 3   Renumber all SECTIONS consecutively.  
    (Reference is to HB 1173 as printed February 20, 2007.)

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Representative Tinch